

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

ARLENE F. JOHNSON,)	
Plaintiff,)	
)	
v.)	Civil No. 1:08CV375
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
Defendant.)	

J U D G M E N T

THIS MATTER is before the Court on motion of Defendant, Michael Astrue, Commissioner of Social Security, to enter a judgment reversing his decision with a remand of the cause for further administrative proceedings, pursuant to sentence four of 42 U.S.C. § 405(g). **Consent Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. § 405(g), filed October 27, 2008.** The Plaintiff consents to the relief sought.

The parties have agreed that on remand, the Commissioner will assign this matter to an Administrative Law Judge (“ALJ”) who will give further consideration to Plaintiff’s residual functional capacity in light of the evidence of record and proceed through the sequential evaluation process. The ALJ will obtain vocational expert testimony to assist him in determining whether Plaintiff could perform her past relevant work or other work. Before relying on vocational expert testimony, the ALJ will ensure that such testimony is in response to a hypothetical that accurately reflects all of the limitations ultimately assessed by the ALJ.

Pursuant to the power of this Court to enter a judgment reversing the Commissioner’s decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and upon consent of the parties herein,

IT IS, THEREFORE, ORDERED that the Defendant's motion is **ALLOWED**.

IT IS FURTHER ORDERED that the decision of the Commissioner denying benefits to the Plaintiff is **REVERSED** pursuant to sentence four of 42 U.S.C. § 405(g), and the case is hereby **REMANDED** to the Commissioner for further proceedings. *See generally Melkonyan v. Sullivan*, 501 U.S. 89, 96-102 (1991) (discussing district courts' remand of Social Security cases).

Signed: October 28, 2008

A handwritten signature in black ink, appearing to read "Lacy H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

